

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 95-823-T - ORDER NO. 97-508  
JUNE 12, 1997

IN RE: Application of Carl's Inc. d/b/a            ) ORDER  
Apartment Movers, Etc., 5101 Ashley        )  
Phosphate Road, Suite 104, North            )  
Charleston, SC 29418, to Amend Class        )  
E Certificate of Public Convenience        )  
and Necessity No. 9668.                    )

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of Carl's Inc., d/b/a Apartment Movers Etc. (Carl's or the Company) for the Commission's leave to take the deposition of certain shipper witnesses by telephone de bene esse, pursuant to Commission Regulation 103-852 and Rules 30 and 32 of the South Carolina Rules of Civil Procedure. The Company has proffered dates, times, and persons for the proposed depositions.

We have examined the request of Carl's and find that it is meritorious, since an applicant such as Carl's must provide evidence that the Public Convenience and Necessity is not being served in a hearing seeking a Class E certificate for household goods authority. See S.C. Code Ann. Section 58-23-590 (Supp. 1996). Further, it appears that the request fits the criteria for the use of de bene esse depositions in the upcoming Commission proceeding, since the witnesses live more than 100 miles from the

place of the hearing. See Rule 32, South Carolina Rules of Civil Procedure.

We therefore grant the request of Carl's. The Company may take the depositions of the shipper witnesses Ms. Carolyn Willette and Dr. Charles Rushing by oral examination by telephone on June 16, 1997 by telephone at the office of A. William Roberts, Jr. & Associates, 46A State Street, Charleston, South Carolina at the following times:

**Ms. Carolyn Willette at 9:30 AM**

**Dr. Charles Rushing at 3:30 PM**

The witnesses may be questioned regarding their shipments of household goods by the Applicant, the quality of service of the applicant, and about the efficiency and cost effectiveness of the possible possession of different equipment by Company, and related matters. Further, we hold that the depositions may be used in the hearing scheduled for June 26, 1997 in lieu of personal appearances by the witnesses.

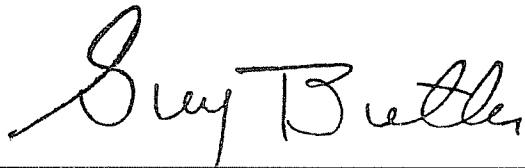
We reiterate our prior position that corporations who wish to cross-examine the witnesses must be represented by counsel, the same as if the depositions were hearings before this Commission.

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This Order shall remain in full force and effect until further  
Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)